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Docket No.: KCC-16,452

**REMARKS**

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-41 and 46-59 are pending.

**Amendment to the Claims**

Claims 1-41 and 46-59 have been examined with no claims being allowed.

Claims 1, 21, and 46 have been amended to include the limitations of Claims 16, 38, and 57, respectively. Thus, Applicants respectfully request cancellation of Claims 16, 38, and 57. Applicants further request cancellation of Claim 39 in view of the incorporation of the limitations of Claim 38 into Claim 21.

Claim 46 has been amended to clarify that the void area is formed as a result of swelling of the absorbent core in response to a first insult, and the void area enhances uptake and fluid distribution during subsequent insults. Support for this Amendment is provided at page 4, lines 1-10, and at page 23, lines 8-10, of the specification.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims has been reduced.

**Claim Rejections - 35 U.S.C. §103**

The rejection of Claim 1-41 and 46-59 under 35 U.S.C. §103(a) as being unpatentable over Glaug et al. (U.S. Patent No. 5,702,376, hereinafter "Glaug") is respectfully traversed.

The Examiner asserts that the combination of the training aid and the absorbent article in Glaug solves the same purpose as Applicants' claimed invention. Even though both inventions are designed to assist in the process of toilet training, Applicants respectfully disagree with the Examiner's conclusion that it would be

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obvious to one of ordinary skill in the art to combine the training aid and the absorbent article in Glaug to achieve Applicants' claimed training pant.

**Glaug teaches away from incorporating toilet training aids into training pants.** More particularly, at Col. 1, lines 40-59, Glaug explains that disposable training pants that incorporate "wet liners" include the drawbacks of either (1) requiring that the consumer use the product with the wet liner all the time, or (2) requiring the consumer to maintain a supply of a second type of training pant that does not incorporate the wet liner. Glaug further explains that neither of these options is satisfactory because some consumers dislike the idea of maintaining a wet sensation in situations where the child is unlikely to vocalize the need for a toilet, and maintaining a supply of multiple types of training pants is inconvenient, costly and burdensome for consumers. Glaug identifies a need for a toilet training aid that can be used with a variety of garments at selected times. In response to this need, the toilet training aid in Glaug is designed to be attached to a garment selected by the consumer. Thus, the consumer can select both the type of accompanying garment and the particular time that is best suited to toilet training.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The intended purpose of the separate training aid in Glaug is to enable the training aid to be used with a variety of garments at selected times. **The Examiner's proposed modification of incorporating the training aid into the absorbent garment in Glaug would render the invention of Glaug unsatisfactory because the combination of the training aid into the absorbent garment would deprive the consumer of the ability to select either the type of accompanying garment or the time at which to use the training aid.** Thus, there is no suggestion or motivation to modify Glaug to achieve Applicants' claimed invention.

In certain embodiments of Glaug, the training aid can be attached to the garment when the garment is manufactured. However, in contrast with Applicants' claimed configuration of a high-swell absorbent layer incorporated into a

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training pant between the outer cover and the bodyside liner, Glaug discloses *releasably* attaching the training aid to an exterior surface of the garment so that the consumer still has the option of removing the training aid. Thus, such embodiments fail to provide any suggestion or motivation to modify Glaug to achieve Applicants' claimed invention.

Glaug includes both *an absorbent core* within an absorbent garment *and a separate training aid*, which may be a high-swell dimensional change member, attached to the absorbent garment. In contrast, Applicants' training pant includes *an absorbent core that possesses high-swell properties*. There is no suggestion or motivation to combine the absorbent core and the high-swell dimensional change member in Glaug into a single component.

In Glaug, the dimensional change member is desirably generally *hydrophobic* so that the pad releases liquid to the garment to which it is attached. (Col. 15, line 67 - col. 16, line 3). In further contrast, Applicants' absorbent core is designed to absorb at least one insult of the liquid, with an *absorbent capacity of at least 100 grams, at least 30 grams, or at least 130 grams*, as recited in Applicants' Claims 1, 21, and 46, respectively. There is no suggestion or motivation to modify the training aid in Glaug by replacing the hydrophobic, liquid-releasing, dimensional change member with an absorbent core having sufficient absorbent capacity to absorb at least one liquid insult.

As indicated above, Claim 46 has been amended to clarify that the void area is formed as a result of swelling of the absorbent core in response to a first insult, and the void area enhances uptake and fluid distribution during subsequent insults. The Examiner asserts that the materials described in Glaug as suitable for the dimensional change member, namely expandable foam, compressed cellulose sponges, and expandable foams having open, large cell, reticulated structures, would create a void area upon swelling. However, none of these materials, per se, would necessarily form a void area as a result of swelling in response to a first insult, with the void area enhancing uptake and fluid distribution during subsequent insults.

As explained at page 4, lines 1-10, in this embodiment of Applicants' invention, this void formation can be achieved by deploying a thicker absorbent after

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the first insult. The thicker absorbent gives the garment the volume needed to handle large insults only when such volume is needed, i.e. after the first insult. The increased thickness alerts the wearer of the need to change the garment while the void area provides containment of any subsequent insults that occur before the soiled garment can be replaced.

Glaug merely lists suitable materials for the dimensional change member, namely materials that would swell upon contact with a first insult. As pointed out above, the dimensional change member in Glaug is desirably generally hydrophobic so that the pad releases liquid to the garment to which it is attached. Glaug fails to disclose or suggest any materials within the dimensional change member that would provide additional volume to handle large insults when such volume is needed.

For at least the reasons given above, Applicants respectfully submit that the teachings of Glaug fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### Conclusion

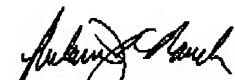
Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

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Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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